

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
MENDEL MENDELOVITS

COMPLAINT

Plaintiff,

-against-

OMNI CREDIT SERVICES OF FLORIDA, INC.

Defendant.  
-----

08 CIV. 2872

BRIEANT

FILED  
U.S. DISTRICT COURT  
S.D. OF N.Y. W.P.  
MAR 18 P 3:19

**COMPLAINT FOR VIOLATIONS  
OF THE FAIR DEBT COLLECTION PRACTICES ACT**

Plaintiff Mendel Mendelovits ("Mendelovits"), by and through his attorney, Kleinman LLC, files this complaint against defendant Omni Credit Services of Florida, inc. ("Omni") for its violations of the Fair Debt Collection Practices Act.

**Introduction**

1. This action seeks redress for the illegal practices of Defendant, Omni Credit Services of Florida, Inc. concerning the collection of debt, in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA").

**Jurisdiction and Venue**

2. This Court has Federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
3. Venue is proper in this District because the acts and transactions that give rise to this occurred, in substantial part, in this District. Additionally, Mendelovits resides in this District and the Defendant transacts business here.
4. Mendel Mendelovits is a citizen of the State of New York who resides in this District.
5. Mendel Mendelovits is a "Consumer" as that term is defined by § 1692(a)(3) of

the FDCPA in that the alleged debt that the Defendant, Omni Credit Services of Florida, Inc., sought to collect from him is a consumer debt. Upon information and belief, Defendants is an active Florida business corporation, which does business in New York.

6. Defendant, Omni is regularly engaged in the collection of debts allegedly owed by consumers.

7. Defendant, Omni is a "Debt Collector" as that term is defined by § 1692(a)(6) of the FDCPA.

8. On January 24, 2008 plaintiff directed defendant debt collector to cease communication with him in accordance with 15 U.S.C. § 1692c(c). **Exhibit A.**

9. Plaintiff received subsequent communications from the defendant which attempted to collect a debt. **Exhibit B.**

#### **AS AND FOR A FIRST CAUSE OF ACTION**

#### **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

10. Mendelovits realleges and incorporates herein by reference, all the foregoing paragraphs as if set forth fully herein.

11. Upon information and belief, defendant attempts to collect debt by contacting consumers on their mobile telephone.

12. Collection communications, such as those initiated by Defendant, Omni, are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."

13. Section 1692c(c) requires the debt collector to cease further communication with the consumer upon the debt collector's receipt of the consumer's cease and desist letter.

14. Defendant's February 4, 2008, call to the consumer was initiated after defendant received the consumer's demand to cease further communication."

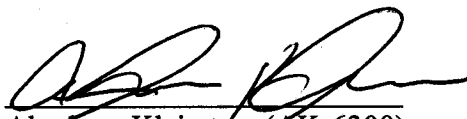
15. Defendant violated §§ 1692c(c), 1692e, 1692e(10) of the FDCPA by continuing contact with the consumer who notified the debt collector, in writing, that he wishes the

debt collector to cease further communication.

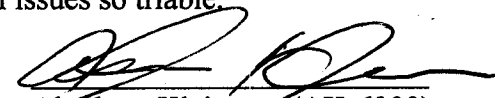
**WHEREFORE**, the plaintiff requests that this Court grant the following relief in his favor, against Omni as follows:

- a) The maximum statutory damages provided by section 1692k of the FDCPA against each defendant;
- b) Attorney's fees, litigation expenses and costs;
- c) Any other relief that this Court deems just and proper.

Dated: Uniondale, New York  
February 6, 2008

  
Abraham Kleinman (AK-6300)  
Attorney at Law  
Kleinman LLC  
626 RexCorp Plaza  
Uniondale, New York 11556-0626  
Telephone (516) 522-2621  
Facsimile (888) 522-1692

Plaintiff requests trial by jury on all issues so triable.

  
Abraham Kleinman (AK-6300)



**Mendel Mendelovits**  
**914-804-4100**

1/24/08

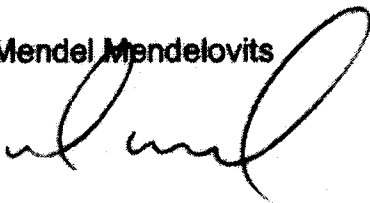
Re Account # 1249100  
Via fax # 813-849-0914

To Whom It May Concern:

Please cease communication with me concerning this disputed debt

Sincerely

Mendel Mendelovits

A handwritten signature in black ink, appearing to be 'Mendel', written over the printed name.

## ACTIVITY REPORT

TIME : 01/29/2008 15:14  
 NAME :  
 FAX :  
 TEL :  
 SER.# : BROJ6J541416

NO.	DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
#095	01/22	15:43		21	01	OK	RX EOM
	01/22	16:20	12484092520	29	03	OK	TX EOM
#096	01/22	17:26	13108427480	20	01	OK	TX EOM
	01/23	11:58		41	01	OK	RX EOM
	01/23	13:46		01:54	02	OK	RX EOM
#097	01/23	19:32	15302673895	01:04	03	OK	TX EOM
#098	01/24	14:28	18138490914	17	01	OK	TX EOM
#099	01/24	16:08	18772294766	41	02	OK	TX EOM
	01/24	16:14		20	01	OK	RX EOM
	01/24	17:00	585 654 3111	25	02	OK	RX EOM
#100	01/25	09:04	7271377	51	06	OK	TX EOM
#101	01/25	09:36	7274979	54	06	OK	TX EOM
	01/25	13:20	1914 833 3048	20	02	OK	RX EOM
	01/25	14:08		20	02	OK	RX EOM
	01/27	10:45	8453621583	35	02	OK	RX EOM
	01/27	18:24		03:46	06	OK	RX EOM
	01/28	15:03		21	01	OK	RX EOM
	01/29	14:09		36	03	OK	RX EOM

BUSY: BUSY/NO RESPONSE  
 NG : POOR LINE CONDITION / OUT OF MEMORY  
 CV : COVERPAGE  
 POL : POLLING  
 RET : RETRIEVAL



